
The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier Alexander.

CONFERENCE COMMITTEE REPORT DIGEST

SB 172

2019 Regular Session

Colomb

Keyword and summary of the bill as proposed by the Conference Committee

KEYWORD. Mandates the minimum age for marriage shall be 16 years of age.

Report rejects House amendments which would have:

1. Authorized that a minor sixteen or seventeen years of age may not enter into matrimonial agreement without the written concurrence of his father and mother, or of the parent having his legal custody, or of the tutor of his person.
2. Required a minor under the age of sixteen shall have judicial authorization, based on the best interest of the child and twelve factors to be considered by the court. At the hearing the court in considering the best interest of the child shall determine evidence of human trafficking, sexual assault, domestic violence, coercion, duress, or undue influence.
3. Required the clerk of court to maintain documents indicating the age and number of minors married in each parish, the number of marriages approved by parental consent, and the number of marriage approved by judicial authorization.

Report amends the bill to:

1. Authorizes that a minor sixteen or seventeen years of age may not enter into matrimonial agreement without the written concurrence of his father and mother, or of the parent having his legal custody, or of the tutor of his person and judicial authorization.
2. Requires that a minor of the age of sixteen or seventeen shall have judicial authorization, based on the best interest of the child and twelve factors to be considered by the court. At the hearing the court in considering the best interest of the child shall determine evidence of human trafficking, sexual assault, domestic violence, coercion, duress, or undue influence.
3. Requires the clerk of court to maintain documents indicating the age and number of minors married in each parish, the number of marriages approved by parental consent, and the number of marriage approved by judicial authorization.
4. Requires that the prospective spouses shall not have an age difference greater than three years to get married.

5. Requires that all in camera interviews of the prospective spouses shall be conducted separate.

6. Provides that the prospective spouses shall receive eight hours of premarital counseling and should be considered as a factor by the court.

Digest of the bill as proposed by the Conference Committee

Proposed law prohibits a minor under the age of 16 from entering into a contract of marriage and prohibits a minor 16 or 17 years of age from entering into a contract of marriage with a person of the age of majority where there is an age difference of three years or greater between them.

Present law provides that a marriage contracted by a party in good faith produces civil effects in favor of a child of the parties. Further provides that a purported marriage between the parties of the same sex does not produce any civil effects.

Proposed law retains present law, when the cause of the nullity is another reason, and provides that when the cause of the nullity is an impediment of age, the marriage produces civil effects in favor of a child of the parties.

Present law provides that a minor is fully emancipated by marriage, that termination of the marriage does not affect emancipation by marriage and that emancipation by marriage may not be modified or terminated.

Proposed law retains present law for a minor 16 or 17 years of age.

Present law provides that unless fully emancipated, a minor may not enter into a matrimonial agreement without the written concurrence of his father and mother, or of the parent having his legal custody, or of the tutor of his person.

Proposed law provides that a minor under the age of 16 may not enter into a matrimonial agreement. Further provides that a minor 16 or 17 years of age may not enter into a matrimonial agreement without judicial authorization and the written concurrence of his father and mother, or of the parent having his legal custody, or of the tutor of his person.

Present law authorizes the state registrar of vital records, or a judge of the city court, in the Parish of Orleans; the clerk of court, in any other parish; or a district judge, if the clerk of court is a party to the marriage to issue marriage licenses.

Proposed law retains present law and prohibits the issuance of a marriage license for a minor under the age of 16. Further prohibits the issuance of a marriage license for a minor of the age of 16 or 17 where there is an age difference of three years or greater between the persons seeking the marriage license.

Present law prohibits an officiant from performing a marriage ceremony in which a minor is a party unless the minor has the written consent to marry of either both parents, the tutor of his person, a person who has been awarded custody of the minor, or the juvenile court as provided by law.

Present law provides that a minor under the age of 16 shall also obtain written authorization to marry from the judge of the court exercising juvenile jurisdiction in the parish in which the minor resides or the marriage ceremony is to be performed.

Proposed law prohibits an officiant from performing a marriage ceremony in which a minor 16 or older is a party unless the minor has the written consent to marry of either both parents, the tutor of his person, a person who has been awarded custody of the minor, or the juvenile court as provided by law. Proposed law further prohibits the performance of a marriage ceremony for a minor under the age of 16.

Present law provides for judicial authorization upon application by the minor, for the marriage when there is a compelling reason why the marriage should take place.

Proposed law provides for judicial authorization upon application by a minor of the age of 16 or 17, for the marriage when there is a compelling reason why the marriage should take place. Further provides that no marriage shall be authorized for a minor under the age of 16.

Proposed law provides that the clerk of court shall maintain a copy of application of marriage of a minor. Further provides that the annual state of marriage report shall include the number of minors married in each parish, the number of marriages approved by parental consent and judicial authorization.

Proposed law provides that the court shall consider the best interest of prospective spouses for judicial authorization to marry a minor. Further provides that the court shall inquire and report any evidence of human trafficking, sexual assault, domestic violence, coercion, duress, or undue influence.

Proposed law provides that the prospective husband and wife shall be present at a hearing and shall have separate in camera interviews of the prospective spouses.

Effective August 1, 2019.

(Amends C.C. Arts. 96, 367, and 2333, R.S. 9:221, 253, 255, Ch. C. Arts. 1545, 1547, and 1548; adds C.C. Art. 90.1)